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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,852	12/15/2000	John C. Horton	RA-5373	1674

7590 02/14/2005

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EXAMINER	
SIDDIQI, MOHAMMAD A	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/738,852	HORTON ET AL.	
	Examiner	Art Unit	
	Mohammad A Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16, November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Response to Arguments

2. In view of the Appeal Brief filed on 16 November 2004, have been fully considered and are persuasive, PROSECUTION IS HEREBY REOPENED.

3. The information is required to complete the background description in the disclosure by documenting Information Disclosure Documents.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1, 3-11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiyama et al. (5,859,977) (hereinafter Nishiyama) in view of Wischinski et al. (6,801,920) (hereinafter Wischinski).

6. As per claim 1 and 13, Nishiyama discloses a System for assigning, each one of a plurality of versions of a software application to specific requests from specific users handled by a server, wherein more than one of said plurality of versions of a said software application is available to service requests from users on said server, and wherein said specific users are provided access to said server by issuing requests to said server, and wherein said requests have a SiteID code in each said request (col 5, lines 4-12 and col 8, lines 36-52), said system comprising:

a network listening program (401, fig 4) for receiving said requests by said users for use of a said software application program (col 5, lines,

a table (elements, fig 3) on said server (401, fig 4) containing correspondences between ones of a plurality of sites and ones of said SiteID codes (302, fig 3) said correspondences logically connecting a one of said more than one version of a said software application program to a one of said plurality of sites (701, fig 7) indicated by said SiteID code (col 8, lines 37-52 and col 7, lines 44-54), wherein said one of said plurality of sites has

only one of said more than one version of a said software application program and at least one data area (elements Fig 3, col 8, lines 32-52),

an access control manager program (col 2, lines 40-50) for determining which one of said more than one version of a said software application program should be connected to each user request by reference to said table (col 10, lines 33-47),

a linking program for linking said a request to a site (col 13, lines39-45).

Although Nishiyama shows substantial features of the claimed invention, Nishiyama does not particularly point out a network listening program (web server). Nonetheless this feature is well known in the art. In an analogous art, Wischinski shows a system with a network listening program (web server) (col 2, lines 1-14, lines 54-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Nishiyama and Wischinski. The motivation would have been managing software application over a wide area network.

7. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Wischinski discloses wherein said access control manager program is part of said network listening program (web server, col 2, lines 1-14, lines 54-60).

8. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Wischinski discloses linking program is part of said network listening program (web server, col 2, lines 1-14, lines 54-60).

9. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Wischinski discloses network listening program comprises a web server (web server, col 2, lines 1-14, lines 54-60).

10. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Wischinski discloses recording user information related to said each request (44, fig 2, col 3, lines 23-27).

11. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Wischinski discloses auxiliary recording program supports billing programs that can bill for client usage of particular ones of said plurality of sites (44, fig 2, col 3, lines 23-27).

12. As per claim 8, Nishiyama discloses auxiliary recording program supports maintenance programs that improve server performance (col 7, lines 1-4).

13. As per claim 9, The claim is rejected for the same reasons as claim 1, above. In addition, Wischinski discloses a linking program for communicating requests and responses between a one of said plurality of sites and said client after a first request is handled by said network listener program (web server, col 2, lines 1-14, lines 54-60).

14. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Wischinski discloses said access control manager program spawns said linking program based on a said first request program (web server, col 2, lines 1-14, lines 54-60).

15. As per claim 11, Nishiyama discloses said software application is a database application (col 7, lines 42-53 and col 9, lines 1-29).

16. As per claim 14, the claim is rejected for the same reasons as claim 1, above.

17. As per claim 15, the claim is rejected for the same reasons as claim 1, above. In addition, allowing said one version to process said information from said request and formulate a response responsive thereto, and returning said response to said user (on-line, col 24, lines 54-64).

18. As per claim 16, Nishiyama discloses said returning step comprises: passing said response to a communications program and communicating by said communications program information from said response to said user (col 2, lines 1-4 and col 24, lines 54-64, on-line).

19. As per claim 17, Nishiyama discloses spawning an independent communications process for handling communications between said site and said user (col 7, lines 44-56).

20. As per claim 18, Nishiyama discloses sending information identifying said user as having been connected to said one site to an auxiliary program (transmission path, col 4, lines 35-50).

21. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiyama and Wischinski as applied to claim 1 above, and further in view of Bryan et al. (6,591,418) (hereinafter Brayn).

22. As per claim 2, Nishiyama and Wischinski do not disclose said table is a registry in a Microsoft Windows operating system. However, storing configuration in registry is well known in the art. Bryan discloses table is a registry in a Microsoft Windows operating system (col 7, lines 42-50). It

would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Nishiyama and Wischinski with Bryan. The motivation would have been using NT registry to store the configuration data.

23. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiyama and Wischinski as applied to claim 1 above, and further in view of Mutschler et al. (5,974,430) (hereinafter Mutschler).

24. As per claim 12, Nishiyama and Wischinski fail to disclose said software application is the program called MAPPER substantially as presently available Unisys. However, Mutschler discloses said software application is the program called MAPPER substantially as presently available Unisys (col 6, lines 12-13). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Nishiyama and Wischinski with Mutschler. The motivation would have been using Unisys Mapper (database) product.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Version Models for Software Configuration Management By Reidar Conardi and Bernhard Westechtel, ACM Computing surveys, Vol. 30, June 1998.

U.S. Patent 6,651,076 teaches retrieved data remotely.

U.S. Patent 6,477,612 teaches Windows NT registry.

U.S. Patent 5,909,581 teaches Automatic software updating Method.

U.S. Patent 6,212,560 teaches Dynamic proxy server.

U.S. Patent 6,609,127 teaches dynamically updating firmware and software.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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